

CASE NO. 17-71353

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

CAESARS ENTERTAINMENT D/B/A RIO ALL-SUITES
HOTEL AND CASINO,

Respondent,

and

INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES,
DISTRICT COUNCIL 15, LOCAL 159, AFL-CIO,

Intervenor.

ON APPEAL FROM NATIONAL LABOR RELATIONS BOARD
CASE NO. 362 NLRB NO. 190

**OPPOSITION TO MOTION TO EXTEND TIME FOR FILING
RESPONDENT'S OPENING BRIEF**

David A. Rosenfeld, Bar No. 058163
Caren P. Sencer, Bar No. 233488
WEINBERG, ROGER & ROSENFELD
A Professional Corporation
1001 Marina Village Parkway, Suite 200
Alameda, California 94501
Telephone (510) 337-1001
Fax (510) 337-1023

Attorneys for *Intervenor*, INTERNATIONAL UNION OF PAINTERS AND
ALLIED TRADES, DISTRICT COUNCIL 15, LOCAL 159, AFL-CIO

The Intervenor, International Union of Painters and Allied Trades, District Council 15, Local 159, AFL-CIO, does not oppose a limited extension of 21 days. This will allow some time over the next three weeks for the Board to develop a position. On the other hand, the Intervenor does not believe that the Board will develop a position on this.

The National Labor Relations Board is now down to four members, evenly split between those who believe in the Act and those who don't. Thus, the Board will not reach a conclusion on this until a fifth member of the Board is confirmed and sworn in and has had a chance to review these issues. Since there is no pending nomination, this isn't likely to happen for months.

A 21 day extension will allow the Board to see if it can reach a quick decision on these issues. If not, the delay will be likely many months.

The Court should grant only a limited extension of 21 days and, at that point, the employer should file its brief.

Dated: December 21, 2017

Respectfully Submitted

By: /s/ David A. Rosenfeld
David A. Rosenfeld
Caren P. Sencer
WEINBERG, ROGER & ROSENFELD
A Professional Corporation

Intervenor, INTERNATIONAL UNION
OF PAINTERS AND ALLIED TRADES,
DISTRICT COUNCIL 15, LOCAL 159,
AFL-CIO

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CERTIFICATE OF SERVICE

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501.

I hereby certify that on December 21, 2017, I electronically filed the foregoing **OPPOSITION TO MOTION TO EXTEND TIME FOR FILING RESPONDENT'S OPENING BRIEF** with the United States Court of Appeals, Ninth Circuit, by using the Court's CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the Notice of Electronic Filing by the Court's CM/ECF system.

I certify under penalty of perjury that the above is true and correct.
Executed at Alameda, California, on December 21, 2017.

/s/ Karen Kempler
Karen Kempler